

# WI Local Food Business Seminar Food Safety

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February 2014

# WDATCP-Food Division

## Our Mission:



- To ensure safe, high quality food for the consumer by:
  - Providing education, consultation and regulation to food businesses to assist them in producing safe, high quality food
  - Responding to consumer concerns and information needs
  - Advocating for the food safety needs of the public

# Food Processing Includes:

- canning      extracting      fermenting
- distilling      pickling      freezing
- baking      drying      smoking
- grinding      cutting      mixing
- coating      stuffing      packing
- bottling      packaging      .... or through any  
other treatment or preservation process



**You need a license to manufacture or  
process food for sale.**

# DATCP Licensing

In general, a license is required to produce, process, store, and sell food products

*\*unless exempt*

# License Exemptions

- “Pickle Bill”
- Poultry
- Eggs
- Retail pre-packaged non-potentially hazardous foods
- Raw agricultural commodities
- Honey
- Exemptions generally have limitations
  - \*Local agencies may be more stringent

# Pickle Bill

- Exemption located in state statute 97.29(2).:
- 2. A person is not required to obtain a license under this section
- to sell at retail food products that the person prepares and cans
- at home in this state if all of the following apply:
- a. The food products are pickles or other processed vegetables
- or fruits with an equilibrium pH value of 4.6 or lower.
- b. The person sells the food products at a community or social
- event or a farmers' market in this state.
- c. The person receives less than \$5,000 per year from the sale
- of the food products.
- d. The person displays a sign at the place of sale stating:
- "These canned goods are homemade and not subject to state
- inspection."
- e. Each container of food product that is sold is labeled with
- the name and address of the person who prepared and canned the
- food product, the date on which the food product was canned, the
- statement "This product was made in a private home not subject
- to state licensing or inspection.", and a list of ingredients in
- descending order of prominence. If any ingredient originates
- from milk, eggs, fish, crustacean shellfish, tree nuts, wheat, peanuts,
- or soybeans, the list of ingredients shall include the common
- name of the ingredient.

# Raw Agricultural Product License Exemption

- 75.09(g)
- A retail food establishment primarily engaged in selling fresh fruits and vegetables, honey, cider, sorghum or maple syrup produced by the operator of the retail food establishment if no other food processing activities are conducted at that retail food establishment.





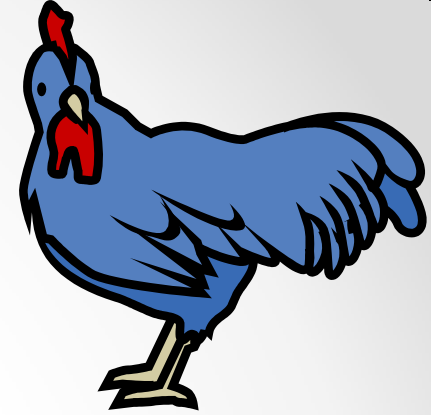
A close-up photograph of a honeycomb, showing the hexagonal cells filled with golden honey. The honey has a glossy, viscous appearance. The title "Honey Processing" is overlaid in a blue serif font.

# Honey Processing

- **97.29(g)**
- **“Food processing” does not include any of the following:**
- **5. The extraction of honey from the comb, or the production and sale of raw honey or raw bee products by a beekeeper.**



# Poultry License Exemption



- Exemption for poultry processing on farm:
- Slaughter and processes no more than 1,000 birds per year.
- Birds are clearly and conspicuously labels each package or container of poultry meat with the person's name and address and the words "NOT INSPECTED."
- Slaughter, processing and sale of poultry occurs at the farm where they are produced.
- If sale/membership payment occurs by mail or electronically prior to delivery, the retail sale occurs at the farm. This is a retail sale with delivery.
- If sale/membership payment occurs at a drop-off site or market, a mobile retail license is needed. Sale is being made off the farm and a mobile retail license is required. Birds must also be slaughtered and processed in a licensed meat facility although bird by bird inspection is not required.

# Egg Sales



Exemption: Eggs which the egg producer sells directly to a household consumer on the premises where the eggs are produced. (ATCP 88)

- Egg Container Labeling:
  - -Product identity (eggs)
  - -Declaration of responsibility
  - -Quantity
  - -Nutritional information unless exempt
  - -Grade and size or Ungraded
    - Ungraded are eggs that have been processed, but not graded as to grade or size.
  - -Keep Refrigerated
  - -Date of pack (first three letters of month and date, or Julian date)
  - Expiration/sell by date (not to exceed 30 days including day of pack and use first three letters of the month and date), or use by date (first three letters of the month and the date, not limited to the 30 day requirement).

# WI Food Laws

- The type of food or process and method of sale determine which license is needed
- One license may cover many processes or multiple licenses may be needed
- **WI Stats. Chapter 97 – Food Regulation**

# WDATCP Licensing

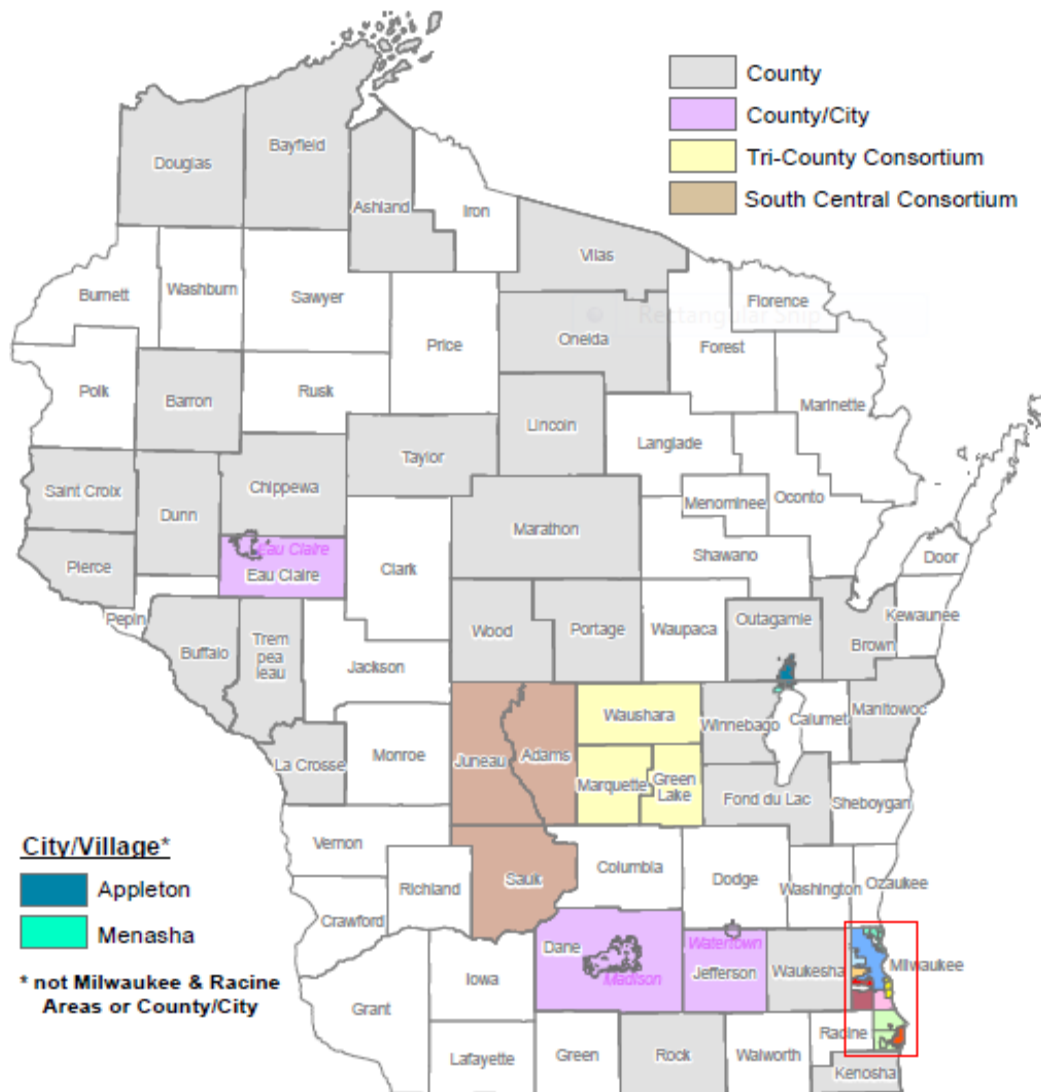
- The license fee is based on:
  - Processing and/or sales of:
    - potentially hazardous food (PH)/TCS
    - OR
    - non-potentially hazardous food (NPH)/Non-TCS
- Projected annual food sales
- **\*License is specific to location and legal entity**

# Retail Licensing

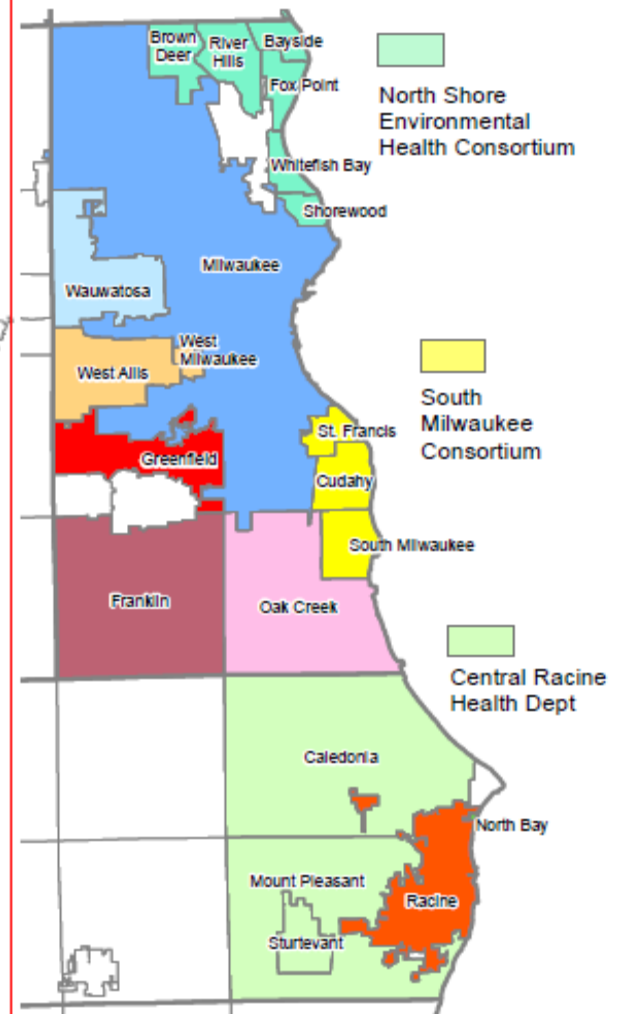
- Definition of “Retail” includes:
- Direct consumer sales
- Sales\* at the licensed facility location
- Two types of retail facilities:
  - -Permanent Location
  - -Mobile – farm market sales
- **ATCP 75 and the WI Food Code**



# Retail Food Agents



## Milwaukee & Racine Areas



# Off - Farm Retail Poultry Sales

**≤ 1,000 birds per year**

- Must be slaughtered in licensed facility
- Retail Food Establishment License(s)
- Fully labeled

Statement of Responsibility

Est. # (If not inspected)

Name of product

Weight

Ingredients (if any)

# Poultry Sales

- **>1,000 birds per year or wholesaling**
  - Inspected in licensed facility
  - Retail Food Establishment License(s)
    - Meat Distributor Registration may be required
  - Fully labeled including inspection legend
    - USDA/Interstate as allowed for sales across state lines

# Food Processing Plant Licensing

- Wholesale distribution of processed food products \*
- Canning
- Processed fish for preservation
- **ATCP 70**

# Recall Plan – 70.117

- Written plan provided and updated as needed
- Keep it Simple!
- Contents:
  - Key Individuals responsible for recalls
  - Contacts
  - Procedures for:
    - tracking processing lots and shipments
    - determining scope and nature of recall
    - Identifying and communicating recall information to further processors, customers, gov. agencies



# Processed Fish

- Processed fish is defined in ATCP 70: fish that is processed or preserved for human consumption by means of smoking, curing, salting, drying, marinating, pickling, fermenting or related processes.
- Does not include:
- Fish processed in accordance with s. ATCP 70.13 or 70.14 (low-acid or acidified foods).
- Sushi, fish-based sandwiches, raw or cooked unpreserved fish fillets:
- If retail food establishments are distributing these types of seafood products they are required to follow Seafood HACCP requirements.

# Canning

- Canning is defined in ATCP 70:
- **“Canning” means the preservation and packaging in hermetically sealed containers of low-acid or acidified foods.**
- Definitions:
- **Low Acid Food:** any foods, other than alcoholic beverages, with a finished equilibrium pH greater than 4.6 and a water activity ( $a_w$ ) greater than 0.85. Tomatoes and tomato products having a finished equilibrium pH less than 4.7 are not classed as low-acid foods.
- **Acidified Food:** low-acid foods to which acid(s) or acid food(s) are added and have a water activity ( $a_w$ ) greater than 0.85 and have a finished equilibrium pH of 4.6 or below.
- **Acid Food:** Naturally has a pH of 4.6 or below

# Canning does not include:

- Acid Foods
- Standard fruit butters, jellies, or preserves or high acid foods listed in 21 CFR Part 150.
- Products stored and stored, distributed, and sold under refrigeration.
- Carbonated or alcoholic beverages

# Training Required

- **To process:**
  - **Fish and Fishery Products** (21 CFR 123)
  - **Juice** (21 CFR 120)
  - **Canned Acidified Foods** (21 CFR 114)
  - **Low Acid Canned Foods** (21 CFR 113)
    - Scheduled Process Filed w/FDA

# FDA Facility Registration

- Bioterrorism Act –
  - Register
  - Prior notice of imported foods
- FSMA
  - Permission to inspect facility
  - Must renew every other year
  - Gives FDA authority to suspend registration



# How to Register

- Online
  - [www.access.fda.gov](http://www.access.fda.gov)
- Mail
  - Call for forms:  
1-800-216-7731

# Dairy Products

- If dairy products will be processed from a raw state or finished dairy product will be wholesaled, a dairy plant license is needed and requirements are found in ATCP 80.
- All raw dairy products must be pasteurized or heat treated and aged in a licensed dairy plant.
- What is a dairy product?
  - Must have a standard of identify as dairy product
  - Combining two different dairy products
  - Altering shape or size of dairy product

# Facility Requirements

- Depend on license, but generally includes:
  - Cleanable floors, walls, ceilings
  - Adequate and protected lighting
  - Safe water supply
  - Adequate Ventilation
  - Hand washing sinks
  - Equipment washing sinks
  - Plumbing meets code
  - Restroom facilities as required

**Be sure to also consult local building, plumbing, zoning, fire inspectors**

# Shared Kitchens

- Sanitarians must be able to inspect the facility, equipment, ingredients, storage, required records and cleanliness at any time the general facility is open.
- The following shall be stored at the licensed location:
  - Ingredients
  - Utensils
  - Equipment
  - Packaging Material
  - Records
  - Finished Products\*

# Shared Kitchens

- A log in/log out record is to be maintained at the facility listing:
  - The name of your business**
  - Each date you processed food**
  - List of all products produced**
  - Quantity produced**



# Ongoing Inspections

- May be unannounced
- Samples may be taken
- Includes review of:
  - Facility
  - Sanitation Procedures
  - Processing Parameters
  - Records
- Frequency varies with risk, volume of sales, and compliance history

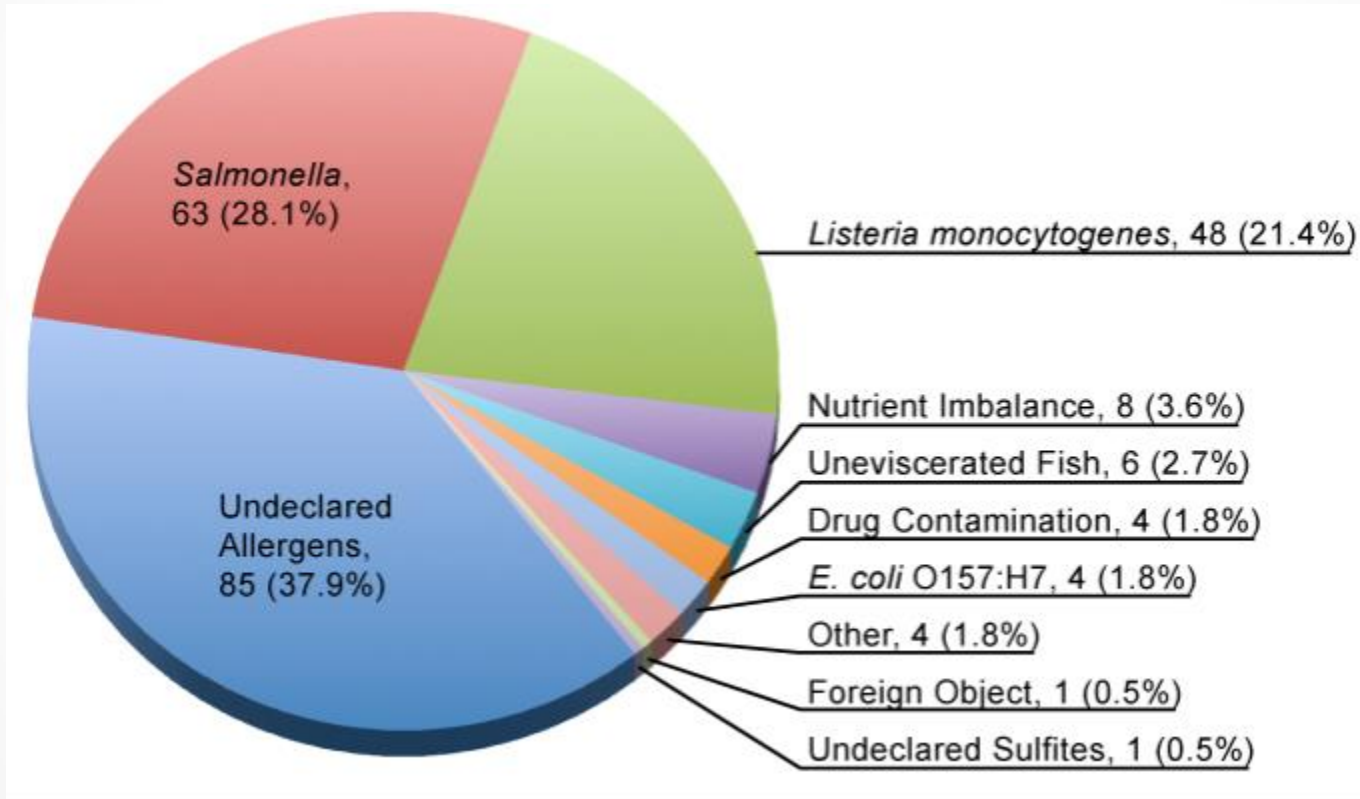
# Reasons for Accurate Labeling

- To ensure informative labeling
- To prevent false or misleading labels
- Food safety
- To ensure adherence to a standard of identity
- To prevent unfair trade practices

# QUIZ

- **What hazard caused the most food safety recalls in the US from 2011-2012?**

# Undeclared Allergens





# ALLERGENS

4-6% U.S. Children

4 Million People in the

90% OF REACTIONS

FROM 8 TYPES

30,000 ER Visits

150-200 DEATHS



# Statement of Identity/Name of Food

# Nutrition Facts



# Ingredients

Name

and

address

Net  
weight  
or  
volume

# Spice Labeling Exemption:

- **21 CFR Part 101.22**
- Allspice, Anise, Basil, Bay leaves, Caraway seed, Cardamon, Celery seed, Chervil, Cinnamon, Cloves, Coriander, Cumin seed, Dill seed, Fennel seed, Fenugreek, Ginger, Horseradish, Mace, Marjoram, Mustard flour, Nutmeg, Oregano, Paprika, Parsley, Pepper, black; Pepper, white; Pepper, red; Rosemary, Saffron, Sage, Savory, Star aniseed, Tarragon, Thyme, Turmeric.

Paprika, turmeric, and saffron or other spices which are also colors, shall be declared as “spice and coloring” unless declared by their common or usual name.

# Ingredients Not Exempt as Spices

- Onion, garlic and celery must always be listed by name and cannot use the “spice” umbrella terminology. Even if they are in the powder form.



# 8 Major Allergens

- Must declare using common names of:
  - **Milk**
  - **Wheat**
  - **Peanuts**
  - **Fish\***
  - **Eggs**
  - **Soy**
  - **Tree Nuts\***
  - **Shellfish\***



- All ingredients that contain major food allergens must be labeled, even if they may otherwise be exempted due to being a spice, flavoring, coloring, or incidental additive
- Common Name Declaration Required: milk, egg, wheat, soy and peanut
- Type(s) of fish, crustacean shellfish and tree nuts are required. Example: rainbow trout, bass, flounder; shrimp, crab, lobster; walnuts, pecans, almonds

## FALCPA Food Allergen Labeling and Consumer Protection Act

# MAY CONTAIN

- Statements required by law are NOT the same as “May Contain” advisory statements
- Not addressed in FALCPA
- Must be truthful and not misleading

**INGREDIENTS:** Organic wheat flour, organic peanut butter (dry roasted organic peanuts, organic palm oil, organic sugar, salt), organic oleic safflower oil and/or organic oleic sunflower oil, organic evaporated cane juice, organic palm oil, sea salt, leavening (baking soda, ammonium bicarbonate, cream of tartar), soy lecithin (an emulsifier).

**ALLERGENS:** Contains wheat, peanuts and soy lecithin. Made in a plant that processes milk, eggs and tree nuts.

Allergens can be listed in **BOLD** in the ingredients.

Allergens can also be listed both in the ingredients AND have a separate "may contain" statement.

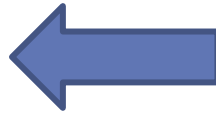
MADE IN AUSTRALIA FROM IMPORTED AND LOCAL  
INGREDIENTS. **INGREDIENTS:** SUGAR, COCOA MASS, COCOA  
BUTTER, MILK SOLIDS, EMULSIFIER (SOY LECITHIN),  
FLAVOURS. DARK CHOCOLATE CONTAINS A MINIMUM OF 50%  
COCOA SOLIDS. **MAY BE PRESENT:**  
PEANUTS, TREE NUTS, WHEAT AND BARLEY.  
GUARANTEE OF PURITY

# Misc. Food Labeling Requirements

- Smoked fish – Labeling as required in ATCP 70.19
- Safe Handling statement - Raw animal foods
- Bakery items in transparent packages under certain conditions - Stats. 97.03 (2) (d)
- Bulk Items for Customer Self-Service
  - Can display label information in plain view

# Nutrition Labeling

Nutrition Facts	
Serving Size 2 crackers (14 g)	
Servings Per Container About 21	
Amount Per Serving	
Calories 60    Calories from Fat 15	
% Daily Value*	
Total Fat 1.5g	2%
Saturated Fat 0g	0%
Trans Fat 0g	
Cholesterol 0mg	0%
Sodium 70mg	3%
Total Carbohydrate 10g	3%
Dietary Fiber Less than 1g	3%
Sugars 0g	
Protein 2g	
Vitamin A 0%	• Vitamin C 0%
Calcium 0%	• Iron 2%
* Percent Daily Values are based on a 2,000 calorie diet. Your daily values may be higher or lower depending on your calorie needs:	
	Calories: 2,000    2,500
Total Fat	Less than 65g    80g
Sat Fat	Less than 20g    25g
Cholesterol	Less than 300mg    300mg
Sodium	Less than 2400mg    2400mg
Total Carbohydrate	300g    375g
Dietary Fiber	25g    30g



- When any nutrient content claim or health claim is made, **Nutrition Facts** are always required
- Vertical-Required on packages with more than 40 sq. inches of space available to bear labeling



- Very small business
  - <10 FTE's
  - and <10,000 consumer units
  - exempt, no need to file
- Small business
  - <100 FTE's
  - and <100,000 units of specific product sold
  - exempt, but must file each year
- Bulk foods shipped for further processing and packaging
- Foods with no significant nutrition such as coffee, most spices
- Fresh produce & seafood

# Nutrition Labeling Exemptions

Nutrition Facts	
Serving Size 2 crackers (14 g)	
Servings Per Container About 21	
Amount Per Serving	
<b>Calories</b> 60	Calories from Fat 15
	% Daily Value*
<b>Total Fat</b> 1.5g	<b>2%</b>
Saturated Fat 0g	<b>0%</b>
Trans Fat 0g	
<b>Cholesterol</b> 0mg	<b>0%</b>
<b>Sodium</b> 70mg	<b>3%</b>
<b>Total Carbohydrate</b> 10g	<b>3%</b>
Dietary Fiber Less than 1g	<b>3%</b>
Sugars 0g	
<b>Protein</b> 2g	
Vitamin A 0%	• Vitamin C 0%
Calcium 0%	• Iron 2%
* Percent Daily Values are based on a 2,000 calorie diet. Your daily values may be higher or lower depending on your calorie needs:	
	Calories: 2,000 2,500
Total Fat	Less than 65g 80g
Sat Fat	Less than 20g 25g
Cholesterol	Less than 300mg 300mg
Sodium	Less than 2400mg 2400mg
Total Carbohydrate	300g 375g

# Bar Codes/UPC Symbols

- Large retailers often prefer them
- Contact GS1 US to apply for program membership
- Fee determined by number of unique products and company's gross sales revenue
- Company is assigned a unique GS1 Company Prefix Number
- Company is then able to assign bar code numbers (item reference numbers)





# Before you contact DATCP

- Know :
  - what products you will produce
  - how they will be sold
  - Location of processing/sales
- More than 1 license may be required

# DATCP Licensing Contacts

- Email
  - Licensing Specialists:
- [datcpdfslicensing@wisconsin.gov](mailto:datcpdfslicensing@wisconsin.gov)
- If no email access, can call:  
608-224-4682

# Licensing Process

- Email licensing question/intent to operate
- Licensing specialists provide information on the facility requirements in addition to required training, certifications, etc. and mail paper license application
- Application returned completed with license fee
- Inspector receives application via mail and schedules licensing to occur within a short period of time
- Facility is officially licensed

# The “Do’s”

- Contact agency early in process
- Understand and stay updated on the rules and regulations that apply to you
- Ask questions

# Questions?



# Thank You

- Shannon Dorn
- Manufactured Foods Specialist
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- 262-939-4948